
From: Jody K Burnett
Sent: Wednesday, June 08, 2016 9:56 AM
To: Ted.McBride@vf-law.com; David Cox (David.Cox@vf-law.com)
Subject: Residence located at 10524 South Golden Willow Drive in Sandy City, Utah

Ted & David,

It has been reported to Sandy City that a total of 13 men are living in what is apparently a 4 bedroom home located at 10524 South Golden Willow Drive. As you are aware from my prior communications, Sandy City has a limit of 4 unrelated persons that may live in a single family dwelling but does have a process to request a reasonable accommodation if the facility qualifies as a residential facility for people with disabilities (see §15A-11-08 of the Sandy City Code).

Would you please check with Mr. Andersen to confirm whether this is one of the homes being leased and operated by him or one of his entities? If so, please take a look at the relevant Code provisions and the process for requesting a reasonable accommodation and contact me so we can discuss the situation.

Thanks

Jody

Jody K Burnett
Lawyer
WILLIAMS & HUNT
257 East 200 South, Suite 500
P.O. Box 45678
Salt Lake City, Utah 84145-5678
801-521-5678 (v) 801-364-4500 (f)
www.williamsandhunt.com



From: Jody K Burnett
Sent: Friday, July 1, 2016 12:39 PM
To: Ted.McBride@vf-law.com; David Cox (David.Cox@vf-law.com)
Subject: RE: Residences located at 10524 South Golden Willow Drive and 138 East 10600 South in Sandy City, Utah
Attachments: 20160701120518835.pdf

Ted,

To confirm and supplement our recent telephone conversations regarding the homes that Allen Andersen is operating in Sandy City and which are the subject of your Third Amended Complaint, I am forwarding letters that are being mailed today to both addresses to deal with the separate issue of the number of unrelated persons living together under the City's zoning regulations. As we discussed, we need to move forward with the request for a reasonable accommodation process independent of the lawsuit. Pursuant to your request, the City has given Mr. Andersen until Friday, July 29th to submit the applications and supporting information.

Please let me know if I can answer any questions or do anything to assist with that process.

In the meantime, this will also confirm our understanding that you have given us an extension of 30 days for both Sandy City and Draper City to respond to the Third Amended Complaint. I'll docket that for the same day on Friday, July 29th. Your professional courtesy in that regard is greatly appreciated.

All the best for a safe and enjoyable Holiday Weekend.

Jody

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From: Ted McBride [mailto:Ted.McBride@vf-law.com]
Sent: Wednesday, August 10, 2016 11:41 AM
To: Jody K Burnett
Subject: RE: Residences located at 10524 South Golden Willow Drive and 138 East 10600 South in Sandy City, Utah

Jody,

I spoke with Allan at length about this yesterday. We are preparing an application for you. I'm sorry he didn't respond on time. I'll have something for you by the end of next week if that's ok. Let me know.

We've moved! Please note our new address below.



Ted McBride
Attorney
515 South 400 East, Suite 200
Salt Lake City, UT 84111
Main: 801-355-9594
Direct: 801-207-9945--
Fax: 801-359-1246
www.vf-law.com



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From: Jody K Burnett [<mailto:jburnett@williamsandhunt.com>]

Sent: Wednesday, August 10, 2016 11:06 AM

To: Ted McBride; David Cox

Subject: RE: Residences located at 10524 South Golden Willow Drive and 138 East 10600 South in Sandy City, Utah

Ted & David,

I have been informed that Sandy City has not yet received any form of application or supporting information from Allen Andersen requesting a reasonable accommodation to increase the number of unrelated persons living in the homes located at 10524 South Golden Willow Drive and 138 East 10600 South. The attached letters and application forms were mailed to Mr. Andersen on July 1st and provided a generous amount of time for submittal until July 29th.

Would you please check with your client on the status of these applications and get back to me at your earliest convenience so that we can avoid the need for the City to initiate some form of enforcement proceedings?

Please give me a call if you have any questions.

Thanks

Jody

Jody K Burnett

Lawyer

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From: Jody K Burnett

Sent: Friday, July 01, 2016 12:39 PM

To: Ted.McBride@vf-law.com; David Cox (David.Cox@vf-law.com)

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From: Jody K Burnett
Sent: Thursday, March 01, 2018 11:34 AM
To: 'Ted McBride' <Ted.McBride@vf-law.com>
Cc: Alanna Warnick <Alanna.Warnick@vf-law.com>
Subject: FW: Andersen v. Sandy City

Ted,

Pursuant to our earlier telephone conversation I am forwarding a copy of the email that I sent you on October 10, 2017, with several cases attached addressing the need to go through the reasonable accommodation process and establish why the request is “necessary”.

I specifically direct your attention to the 2 cases involving the Oxford House type of sober living facilities: (1) Oxford House Inc. v. City of Wilmington; and (2) Oxford Investments LP v. City of Philadelphia. Both of them clearly state that is the applicant’s burden to show why the requested accommodation is “necessary”. As we discussed, in our situation where no treatment is by definition being offered onsite, the only basis I am aware of that could be argued to support

the request would be based on financial necessity. Both the Smith & Lee and Bryant Woods cases stand for the same proposition.

We also agreed that you would submit the other 2 applications that I have not yet received so that the City could process all 3 together in the interest of the efficient use of time and resources for both Mr. Andersen and the City.

At the end of the day, I will certainly advise the City to process the applications under their ordinance in whatever form you want to. However, in light of the legal authorities attached, in the absence of any meaningful effort to offer any support to show why the requested accommodation is “necessary”, I assume that the City Attorney’s office would file a memorandum with the Hearing Officer taking the position that the applications are incomplete by virtue of the failure to provide any evidence that these homes are not financially viable with the 4 unrelated residents that are otherwise allowed under the City’s land use regulations in these single family dwellings.

If you would like to discuss this in more detail after reviewing the attached cases, by all means please give me a call.

Thanks

Jody



Jody K Burnett | Lawyer
10 Exchange Place, 11th Floor | Salt Lake City, Utah 84111
Direct: 801-322-9195 | Main: 801.521.9000 | www.scmlaw.com

From: Jody K Burnett

Sent: Tuesday, October 10, 2017 3:04 PM

To: 'Ted McBride' <ted.mcbride@vf-law.com>

Cc: 'Alanna Warnick' <Alanna.Warnick@vf-law.com>; Robert C. Keller <rck@scmlaw.com>

Subject: Andersen v. Sandy City

Ted,

Following up on our telephone conference last week regarding this matter and the need for Allen Andersen to submit information in support of his request for a reasonable accommodation for a total of seven (7) single family dwellings in Sandy City, I am forwarding copies of Ordinance #17-14 adopted on June 13, 2017. You will note in §15A-11-08, specifically subsection F, the criteria and process for requests for a reasonable accommodation.

Since Mr. Andersen describes the homes he leases in the City as “sober living facilities”, by definition no treatment program would be offered on site and therefore any request for more than four (4) unrelated persons living together would be based on financial necessity. To assist you in reviewing these issues with your client, I have also attached a total of seven (7) cases which identify the need to submit adequate information in support of such requests and exhaust that administrative remedy before seeking judicial review.

I want to reiterate my willingness to assist in that process and answer any questions you may have.

Thanks

Jody



Jody K Burnett | Lawyer
10 Exchange Place, 11th Floor | Salt Lake City, Utah 84111
Direct: 801-322-9195 | Main: 801.521.9000 | www.scmlaw.com

From: Jody K Burnett
Sent: Tuesday, June 5, 2018 10:59 AM
To: 'Alanna Warnick'
Cc: Ted McBride
Subject: RE: Allen Anderson sober living homes
Attachments: SANDY CITY FINANCIALS ALL HOMES 05102018.pdf; 05-25-18 [D.E. 135] Declaration of Edward W. McBride, Jr. in Oppositionpdf

Ted,

I am trying to understand and reconcile the various piecemeal submittals that you have made on behalf of Allen Anderson to Sandy City in support of a request for a reasonable accommodation. I have several questions and think that it would be most helpful if we could get together to discuss the situation in more detail. In order to set the stage for that conversation and let you know where I am coming from, here is the sequence of events that leaves me a little confused:

February 16, 2018- Alanna forwarded a single application for the home located at 10588 Golden Willow Drive by email with a note that you would provide "the other two applications" the following Monday (I'll forward that email separately);

March 1, 2018- I sent you an email following up on our telephone conversation of that same day on the need for supporting documentation to establish that the requested accommodation as to each home is both reasonable and necessary. In that email, I also confirmed our agreement that you would submit the other two applications so that, in the interest of efficiency for all concerned, the City could process all 3 together. I have carefully reviewed my email account and cannot find any follow up communication with respect to the other 2 homes;

May 23, 2018- I received the email below to which I am responding from Alanna with a spread sheet attached but absolutely no description of what that information is and how it supports the request for a reasonable accommodation as to each of the individual facilities listed; and

May 25, 2018- you filed the attached Declaration with the Court. In that Declaration you state that your clients are currently operating 3 homes in Sandy City but you didn't identify which ones they are and we have no way of knowing that other than the one I referenced above at 10588 Golden Willow Drive.

Even if and when we can identify the other 2 homes currently being operated in Sandy City, how does the information provided support the claim that it is both reasonable and necessary to have more than 4 unrelated persons living in those facilities in order to have that housing available for a disabled population?

I am providing this background so that you can appreciate my uncertainty as to how we should proceed from here. Would you please let me know a time within the next week or so when we can meet to review and discuss this situation in more detail?

Thanks

Jody



Jody K Burnett | Lawyer
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Direct: 801-322-9195 | Main: 801.521.9000 | www.scmlaw.com

From: Alanna Warnick <Alanna.Warnick@vf-law.com>

Sent: Wednesday, May 23, 2018 4:29 PM

To: Jody K Burnett <jkb@scmlaw.com>

Cc: Ted McBride <Ted.McBride@vf-law.com>

Subject: Allen Anderson sober living homes

Jody: Attached please find Allen's financial information for his sober living homes. Please feel free to give Ted a call to discuss. Thanks!



Alanna Warnick

Paralegal

515 South 400 East, Suite 200

Salt Lake City, UT 84111

Main: 801-355-9594

Direct: 801-335-5048

Fax: 801-359-1246

www.vf-law.com



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From: Alanna Warnick <Alanna.Warnick@vf-law.com>
Sent: Thursday, June 21, 2018 1:23 PM
To: Jody K Burnett
Cc: Ted McBride
Subject: Sober Living Homes - Allen Andersen
Attachments: Financial Information Form June 2018.docx

Jody: Attached please find 3 budgets prepared for the 3 homes presently in operation in Sandy City. Please let us know if there is anything further required to get these homes licensed. We would also like to know if and when the city council will be having their hearing on these matters (if the do) so that we can plan to attend. Thanks!



Alanna Warnick

Paralegal

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From: Jody K Burnett
Sent: Friday, June 22, 2018 1:44 PM
To: 'Alanna Warnick' <Alanna.Warnick@vf-law.com>
Cc: Ted McBride <Ted.McBride@vf-law.com>
Subject: RE: Sober Living Homes - Allen Andersen

Alanna,

Thanks for sending me this information.

With respect to the process, under Sandy City's Code a decision on this request for a reasonable accommodation will be made by a Hearing Officer rather than the Planning Commission or City Council. Several months ago I sent a copy of those provisions to Ted but let me know if you would like me to send that again.

In the meantime I will forward this information to the City and while these summaries that focus on each individual facility are helpful, in other situations we have routinely requested and been provided with copies of backup documentation, often with the understanding that it would be reviewed by a third party to protect any legitimate privacy concerns.

Do you think that Mr. Andersen would be willing to provide such information?

Thanks

Jody

SNOW
CHRISTENSEN
& MARTINEAU

Jody K Burnett | Lawyer
10 Exchange Place, 11th Floor | Salt Lake City, Utah 84111
Direct: 801-322-9195 | Main: 801.521.9000 | www.scmlaw.com

From: Alanna Warnick <Alanna.Warnick@vf-law.com>

Sent: Thursday, June 21, 2018 1:23 PM

To: Jody K Burnett <jkb@scmlaw.com>

Cc: Ted McBride <Ted.McBride@vf-law.com>

Subject: Sober Living Homes - Allen Andersen

Jody: Attached please find 3 budgets prepared for the 3 homes presently in operation in Sandy City. Please let us know if there is anything further required to get these homes licensed. We would also like to know if and when the city council will be having their hearing on these matters (if the do) so that we can plan to attend. Thanks!



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From: Jody K Burnett
Sent: Monday, July 2, 2018 9:52 AM
To: 'Alanna Warnick'
Cc: Ted McBride
Subject: RE: Sober Living Homes - Allen Andersen

Alanna & Ted,

Just following up to see whether Mr. Andersen may be willing to provide copies or allow someone on behalf of the City to review the backup documentation in support of the numbers contained in the summaries that you provided in support of his request for a reasonable accommodation?

In addition, I also wanted to reconfirm our understanding that you will let me know if we reach a point where you want to move forward with the process of having these applications presented to the City's Hearing Officer for consideration regardless of my input on their completeness.

Thanks

Jody

SNOW
CHRISTENSEN
& MARTINEAU

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From: Alanna Warnick <Alanna.Warnick@vf-law.com>
Sent: Friday, June 22, 2018 1:47 PM
To: Jody K Burnett <jkb@scmlaw.com>
Cc: Ted McBride <Ted.McBride@vf-law.com>
Subject: RE: Sober Living Homes - Allen Andersen

I'll check with him and with Ted and let you know.



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Paralegal
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Cc: Ted McBride <Ted.McBride@vf-law.com>
Subject: RE: Sober Living Homes - Allen Andersen

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Jody



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The information contained in this e-mail and any attachments are confidential and solely for the use of the intended recipient. If the intended recipient is our client, then this information is also privileged attorney-client communication. Unauthorized use or disclosure of this information is prohibited. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by e-mail or calling (801) 521-9000, so that our address record can be corrected. Thank you.

From: Jody K Burnett
Sent: Wednesday, July 18, 2018 5:25 PM
To: 'WSanner@SANDY.UTAH.GOV'
Cc: 'Ted McBride'; Darien Alcorn
Subject: Andersen Applications requesting a reasonable accommodation
Attachments: Reasonable Accommodations for Approval of a CUP (10588 Golden Willow Driv....pdf; Reasonable Accommodations for Approval of a CUP Application (138 East 106....pdf; Reasonable Accommodations for Approval of a CUP (478 E. Big Sky Drive).pdf; Financial Information Form June 2018.docx

Wade,

I have been acting as an intermediary to facilitate the process for Allen Andersen and Braden Andersen to file a total of three (3) applications requesting a reasonable accommodation from the presumptive limits on the number of unrelated persons that may live together in a single family dwelling under the relevant provisions of the Sandy City Code. The applications are attached and involve single family dwellings at the following locations:

1. 10588 Golden Willow Drive;
2. 138 East 10600 South; and
3. 478 East Big Sky Drive.

In addition, the applicant has also provided certain financial information in support of those requests which is also attached. The Andersens are represented by attorney Ted McBride and I have copied him on this transmittal so that you will have his contact information. Mr. McBride's telephone # is (801) 355-9594. I have also copied Darien Alcorn from the Sandy City Attorney's office since it is my understanding that she will be representing the City in these proceedings.

Would you please initiate the process and coordinate with the Hearing Officer on scheduling. I will not have a role in those proceedings so there is no need to copy me on further communications.

Thanks for your assistance and feel free to contact me if you have any questions.

Jody

SNOW
CHRISTENSEN
& MARTINEAU

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